



# Department of Justice

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DISTRICT OF NEBRASKA

**TWO SOUTH DAKOTA MEN AND ONE IOWA MAN SENTENCED IN SOUTH DAKOTA  
FOR CONSPIRACY TO COMMIT WIRE FRAUD**

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United States Attorney Deborah R. Gilg announced that Wesley Wayne Austin, age 54, of Madison, South Dakota; A. Thomas Pokela, age 64, of Sioux Falls, South Dakota; and Kenneth Michael Cahill, age 74, of Liberty, Iowa; were sentenced on July 29, 2011, for Conspiracy to Commit Wire Fraud. The Honorable Lawrence L. Piersol, United States District Judge, District of South Dakota, Southern Division, sentenced Austin to 132 months imprisonment and a term of supervised release of 3 years. Pokela was sentenced to 18 months imprisonment and a term of supervised release of 3 years. Cahill received a sentence of 12 months and one day imprisonment and a term of supervised release of 2 years. All three defendants have been ordered to make restitution in the amount of \$848,000.

The defendants had pled guilty in April, 2011 to Conspiracy to Commit Wire Fraud relating to a scheme to defraud various individuals throughout the United States by promising and not delivering on multi-million dollar loans and multi-million dollar high risk investment opportunities.

During the period 2007 through 2010, the defendants were involved in a scheme to defraud various individuals throughout the United States who were looking for high-dollar loans for various capital projects and/or were seeking short term/high yield multi-million dollar investments.

For those wishing to obtain multi-million dollar loan financing, the defendants promised to provide as much as hundreds of millions of dollars in loans despite having no means to fund the loans that they were guaranteeing. Additionally, before a promised loan could be funded, defendants required the payment of up-front fees in amounts ranging from \$50,000 to \$2,000,000.

For those would-be victims hoping for a short term, high return investment, defendants promised they would double any investment within a matter of months, despite knowing that, even at best, any returns would have come not from the projects such as a bio-fuel/agriculture operation that they were touting, but instead, from other victims. The defendants used these advanced loan fees and "investment" monies taken from the victims to support their own personal lifestyles and pay personal expenses, and in some cases, were used to pay back earlier victims of the scheme.

According to the Indictment, the defendants promised over 1.4 billion dollars in loans and sought over 10.6 million dollars in alleged loan fees and supposed investments.

This matter was handled by the United States Attorney's Office for the District of Nebraska. According to Ms. Gilg, the instant case is among one of the largest white collar prosecutions done in the District of South Dakota, and was the outgrowth of a two-year investigation conducted by the Federal Bureau of Investigation.

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